THE HONOLULU REPUBLICAN.

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IT WAS A BIG COAT OF WHITEWASH THAT GRAND JURY SMEARED ON EVERYTHING.

Commendation for Many Abuses Which Have Long Existed in This Community.

Even The Republican Is Damned With Faint Praise-Full Text of the Remarkable Document-Judge Humphreys' Address to the Retiring Body.

without exception.

Insane Asylum.

The court concurs heartily in what

you have said as to the commitment

the certificate of one physician. A

in the Union. I think it may be said

that in nearly every state in the Union

the law provides for a careful exam-

ination by three or more experts and

no member of society would be safe.

It is a bad state of affairs, but it is a

condition for which the physician now

Sale of Alcohol.

Taking into consideration the vari-

ous elements going to make up the ag-

gregate of this community it requires

no argument to convince one that the

unrestricted sale of alcohol would be

a menace to the peace, safety and good

order of the community, and I know

Hack Drivers.

What you have said on this subject

comment and criticism and one worthy

of more serious consideration at the

hands of the authorities who have the

Favoritism by Courts.

circumstances, it was probably proper

for you to investigate and, as a mem-

ber of the bar and of the judicial de-

am glad that you found no sufficient

evidence presented to you to enable

you to find that the charges made

through the press were true. All of

the gentlemen who were members of

here some five years ago are now mem-

bers of the Territorial judiciary, with

the exception of Justice Whiting and

Judge Stanley, who were retired after

long, useful and honorable careers,

and except Chief Justice Judd, who

died a few months ago. Like all mor-

tals the chief justice had his weak-

nesses and his failings, yet when we

with all that was commendable in him

they sink into insignificance. Thus,

amid the cloudlets of the summer night

cloudlets fade away into mist and are

forgotten. So with the honored dead;

his trifling faults are covered with the

excess of his virtues. It can be said of

concerned he was a man who, like

be said that men differed then, and

differ now, and they will continue to

differ, despite the report of this grand

jury. A grand jury report cannot

change the opinioin of men in matters

All departments of government are.

at times, subject to public criticism,

and it is perhaps better that a good

officer should be unjustly criticised

criticism altogether; and if we should take away entirely or limit the right

of the press to criticise, that would be

the inevitable result. I have in my own personal observation (not here, but elsewhere.) seen corrupt and vicious men on the bench able to hold their positions because the press, the

Charles Sumner, one of the most gifted

States senate, a man who distinguished

himself by leading the anti-slavery ele-

ment, stood on the floor of the United

decision he had rendered in the Dred

Scott case. So, also, only a few years

ago when the income tax decision was

rendered by the United States Supreme

Court political conventions in many

states denounced the court and repre-

sentatives in Congress did the same thing. While perhaps the feelings of the judges were hurt and their sensi-

bilities aroused and touched, the court did not invoke libel proceedings. Sen-ator Edmunds and Mr. Choate, now our

minister to England, who appeared in the income tax cases, and other cele-

brated counsel in the case did not

throw up their hands in holy horror

and feel that the honor and the virtue

of the court or their own honor was

at stake because the press denounced

impossible to take up any great daily

of that sort.

Enoch, might have walked with God.

This is a matter which, under the

issuance of hack licenses.

of no law that permits its sale in such

terday morning the grand jury of a statute prohibiting fornication filed into the Circuit Court. As the jurors entered the court room there was a rush of attaches and court house habitues, for it was underthat the jurors were to their final report and that heavy blows, sledge hammer whacks, were to be meted out, whose loud report would convulse these Isl- a trial by jury. You can easily see that ands for months to come, cause no end | if at any time conditions here should of comment, be commended by the many who believe in honest government and damned by the Associated

Clerk Lucas left his desk; John E. Bush's face radiated sunshine, and in charge is not responsible. even Frederick D. Smith, the late arrival from New York, ceased to be preoccupied in the weighty duties of his new official position. Lawyers and a mixed audience of the flotsam and Jetsam of Honolulu society attentively listened for some promised senation which the inquisitorial body would pitchfork into the light of publicity.

But they were all doomed to disappointment. The report of the grand jury was as mild as a day in the tropics. It commended nearly everything and damned with faint praise even The Republican.

Two indictments were found, one against E. C. Macfarlane and the other against J. P. Hayward. They were indicted for selling liquor at the Hawalian Hotel Annex and Waikiki Inn. respectively, on Sundays.

The report was read by Foreman E. I. Spalding. At its conclusion Judge Humuphreys addressed the jury as fol-

JUDGE HUMPHREYS ADDRESS TO THE JURORS.

Mr. Foreman and Gentlemen of the

Grand Jury: -The court has listened with rapt attention and profound interest to the reading of the excellent report now rendered by your body. As you are the pioneer grand jury of the Island of Oahu, your report will become his-Not only that, but it will be valuable from a social as well as political point of view. I use the word "political" not in its narrow and restricted sense but in its larger and broader sense. Political in that it affects the entire community.

Enforcement of Law.

The court was particularly impressed with what the grand jury had to observe with reference to the enforcement of law. Our government is divided into three co-ordinate departments: the Executive, the Legislative and the Judicial. It is not for one branch or any part of one branch of the government to usurp or trespass on the powers of the other branches. The Legislative department makes the laws. If the law is unconstitutional it becomes the sworn duty of the courts of the land, assisted by the juries, to enforce those laws, even though the propriety, the fairness or the justice of the laws may

be open-to question.
"Stranger, tell the Lacedaemonians that we died here in defense of our country." This was the simple inscription to commemorate the heroic and conscious devotion of the faithful band of Leonidas at Thermopylae; and in which a nation of peculiar sagacity, and promptitude of mind as well as ardor of soul for liberty thought to express the highest acknowledgment of a deed which every Greek remembers with national pride. Of all that was noble and great in this patriotic act the noblest and greatest seemed to them that the gallant citizens had been obedient to the laws even unto death. It affords an example well worthy of

Prostitution.

As to the matter of prostitution commented upon by you in your report, I at this time call your attention to the fact that we have in this Territory a law forbidding fornication. Fornication is sexual intercourse between an unmarried man and an unmarried woman, an offense punishable by both fine and imprisonment. It is indeed an anomolous state of affairs that we should have houses of prostitution in this community, under the control of the board of health and to a certain extent the politice department, and yet have a provision in our penal code for the punishment of fornication. There is not a woman at Iwilei who is not liable to a criminal prosecution for fornication. Indeed, the very fact that she is a registered prostitute might on the courts. Every one in public at the Ewa side of Iwilei, owned by a make a clear case against her if the make a clear case against her if the so-called "Act to Mitigate" is constitutional, which I very much doubt. It may be desirable to have houses of prostitution under the control of the board of health, and to a certain extent under the police department, yet dered such a report you would also (Continued on Page 5.)

into the current of public favor sooner or later will be engulfed because public sentiment is fickle; nothing is more so. One day it places a man on the highest pinnacle of popular favor; the next day it lays in the gutter of contempt. There is only one thing to do, and that Your report on the whole is a most

element says you will be damned if

you don't. You cannot escape criti-

cism. The man who attempts to get

admirable one. For your untiring la-bors, for the dignity with which you have demeaned yourselves while in this court room and its annex, and for the service you have rendered to this community the court desires to tender you its heartfelt thanks. You are now discharged, gentlemen, for the term.

FULL TEXT OF THE

REPORT OF GRAND JURY. The following is the report of the

grand jury: Hon. A. S. Humphreys, First Judge, Circuit Court, First Judicial Cir-

HORTLY before 12 o'clock yes- it should hardly be done in the face cuit, Territory of Hawaii. Sir:-The Grand Jury empaneled and sworn before you on the sixth day of the current month, having concluded their duties beg to render their final report as follows: of an insane person to the asylum on

Seventeen cases have been brought similar law does not exist in any state before this jury by the Attorney General's Department, and examined by us with the result of finding for a true bill in fourteen cases, and no bill in three able jurist handled all these things and

This jury has also found two true come to such a pass that the power to bills in cases brought to the attention certify to the insanity of a person should be vested in the hands of one of the jury in your charge of August individual, and he be a corrupt person,

We have investigated, so far as possible, into the subjects referred to in your charge to this Jury, and also into various other matters to which our attention has been called, and we have examined numerous witnesses.

Sale of Liquors on Sundays by Ho tels and Resorts at Waikiki.

We find that two resorts at Waikiki are operating under special licenses from the Interior Department, a copy of which accompanies this report. ister of the Interior with the concurrence of the Executive Council of the Republic of Hawaii, under the authority conferred upon him by the Act to these exceptions are to be heard pas-Regulate the Sale of Spirituous Liquors. It will be noticed that the privilege is given licencees of selling liquors to guests and their friends, which certainly permits of a liberal inpartment of the Territory of Hawaii I terpretation.

The subject of sales on Sundays under these licenses was not considered by the Executive Council such sale being subject to the provisions of Secthe Hawaiian judiciary when I came | tion 25 of the aforesaid Act to Regulate the Sale of Spirituous Liquors, etc.,

"Any holder of a license who shall sell or retail any spirituous liquor or permit or suffer the same to be drunk in his house or premises on Sunday shall be liable to a penalty not exceedcompare those weaknesses and failings | ing two hundred dollars, but this section shall not apply to the ordinary supplies furnished to bona fide boarders the full moon rises resplendent, the and lodgers in the house or premises."

The fact that liquor has been sold at these resorts at Walkiki on Sundays, to persons who can in no way be conthe late chief justice that so far as sidered bona fide boarders or lodgers. the incorruptibility of his integrity was although probably guests or their friends, was voluntarily admitted by As to whether or not favoritism ex- the proprietors, their statements coinisted in the courts heretofore it may ciding to the effect that they were not aware of any illegal act and thought that they were within the privileges the court of each witness. conferred by their licenses. This jury believes that these places have incurred large expenditures and have acted openly with the full knowledge of the authorities: that they did not intentionally, violate the law as to sale of than that a bad officer should escape liquor on Sundays, and the evidence before us tended to show that the legalizing such sale by respectable hoteis and resorts at Walkiki, to guests and their friends would result in lessen-ing filleit trade and drunkenness. The jury also believes that as liberal treatment as is consistent with the public welfare should be extended by the Government to respectable hotels and

public and the bar were afraid to criticise them. Not only are our local courts subject to criticism, but even the Supreme Court of the United States has also been the subject of criticism. resorts. It is not in our province, however, men ever on the floor of the United to ignore existing laws, through any question as to their propriety. We found that, under a strict interpretation of the law, liquor has been ille-States senate and denounced the 3ugally sold on Sundays by the Hawaiian preme Court of the United States, le-Hotel Annex and Walkiki Inn. and we nounced Chief Justice Taney for the have brought indictments against these

places accordingly. We failed to find that police protection had been promised or guaranteed to these resorts although we made care-

The statement of Mr. H. N. Almy. with reference to the police, referred to in your Honor's charge of August 8, 1900, to this jury, was investigated. the witness claiming a misunderstanding of his remarks, and testimony was to the effect that he used the word "authorities" and not "police."

Houses of Prostitution at Iwilei. There is a colony of five buildings

have been criticised. One element says you will be damned if you do; another says you will be damned if HAVE AN IMMINGS.

They Tell Their Grievances in Judge Estee's Court.

LIBEL AGAINST THE BARK EMPIRE.

WARRING AND REBELLIOUS FACTIONS STILLED BY THE GREAT JURIST.

Contest of The Voice With Matter and How it Ended-Incidentally Something About Excep-

tions.

An insufficient quantity of inferior pork; tea, diluted not with Irish moss but rain water caught from cloudbursts on the briny deep; a dearth of corn bread; shipping papers, calloused hand seamen, George A. Davis and E. B. McClanahan occupied the attention yesterday afternoon. And how well the the warring elements let this story

The judge was hearing the libel of Christopher Collins and other seamen against the bark Empire, a vessel dyby a Yankee skipper with flerce chin whiskers as lusty in growth as that of for wages amounting to \$27.78 apiece and \$65 for want of food on the voyage

The stentorian voice of E. B. Mc-Clanahan represented the ship and her owners, while George A. Davis waged literally packed with people, all relegal warfare for the men. Often the roaring Voice and the Davis outburst collided, much to the consternation of United States Marshal Ray and Deputy United States Marshal Hendry. When The Voice roared and Davis surged and became tempest-tossed, a few dig-These licenses were issued by the Min- nified words from the court restored peace and the waves of turbulency

The Voicec was profuse in excep-Where, when and by whom concerts at Makee Island. tions. seth all human understanding, for Chief Justice Frear is vacationing on Hawaii and Judge Estee occupies Judge Silliman's court room, and the United States Circuit Court is in California But The Voice illustrated, if it illustrated anything, the force of habit. It evidently thought that it was addressing District Magistrate W. L. Wilcox.

"Mr. McClanahan," said Judge Estee suavely, at one stage of the proceedings, "I will allow you all the exceptions that you want, only make them at the proper time."

And still The Voice would not be Much evidence was adduced to show that the bill of-fare on the Empire was far inferior to that served in a Chinese hashery in Honolulu. The men complained about the pork. It wasn't in their judgment, cornfed from the plains of Kansas. One brawny sailor infinitesmal small quantities. The corn bread, too, and the sailor's voice fell to a whisper, was meager in ondowment. The self-rising buckwheat flour was poor and ordinary flour wretchedly bad. Then, to add perplexing trouble to the menu, the water supply was limited, full of impurities, coming from the clouds when the wind was south, southeast and squalls flecked the sky with clouds.

All this and more was told. Did you complain to the captain about the insufficiency of food?" asked All answered "no" except one and he

filed his complaint when the bark Empire reached Honolulu. Once during the proceedings The Voice asked a very pertinent question. It was when a sailor was testifying about corn bread. "Did you sign articles stipulating that you should have corn bread on the voyage?" asked The

The owner of the voice tiptoed across the court room. Sadness came to all, for they intuitively felt that something was coming. Their expectations were realized. The Voice presented the shipping papers to the witnesses, shaking them with malignity. "Is there anything THERE that says anything about corn bread?"

and feebly said. "No." Triumph illuminated the face of The Voice with a radiancy unsurpassed by a nocturnal electrical display at the Paris exposition.

The sailor scanned the papers closely

All the witnesses testified that the prevalent sailor wages at Newcastle were £3 10s.

Judge Estee said that he would allow the sailors their wages. He had no doubt that the food was had, but inas-much as the men did not complain to the captain while on the voyage, redress was not within the province of

OVERT TO SO TO MAKEE.

Band Concerts Will Be Abandoned There and Other Attractions Will Meed Be Provided.

In a few weeks the entire personal property of the Arlington hotel will be sold at auction. This sale will include attraction in the grounds at the King fully. street entrance of the hotel.

It has been suggested that these aniin regard to the matter yesterus.

It has been suggested that these aniin regard to the matter yesterus.

"I would like nothing cetter than to soo at Kapiolani park by the govern-

THE VENTURE DESIGNATION OF THE PERSON OF THE

moved on Sundays there will be little but from a financial standpoint I could attraction thereaway in future on that not advise the trip. Our present diffiday. The menagerie, therefore, might culty is grounds. The only available become quite a feature.

the concerts on Sunday should be given at the capitol grounds, since that knows that a pass-the-hat racket seemed to be the most popular point for such concerts.

There may be a little story behind this, one that ordinarily would interest the tramway company. It is a fact that the street car company has given Capt, Berger and his band no special encouragement. They have even charged them fare to Makee Island and back and often on a hot day crowded them into a single car.

In San Francisco, for instance, the Market street company pays the sal-aries of the members of the band that plays in Golden Gate park and whenever they play passes the members free, of course. The local company would not even do that, so The Republican is reliably informed, and this indication of penuriousness may have had something to do with the change.

LAST NIGHT'S CONCERT.

Listens to Excellent Music.

The band concert at the Hawaiian hotel last night was the most largely attended of any concert held in the city for many months. Captain Berger had arranged a special solo program. of United States District Judge Estee | which was exceedingly well rendered and most thoroughly appreciated by the large crowd in attendance, every number being heartily aplauded.

People with carriages respected the wish of Manager Allen of the hotel to abstain from driving into the grounds ing the American flag and commanded by way of the Hotel street entrances, using the Richards, Beretania and Alakea street entrances instead. The Mars. The sailormen libeled the bark | lanais were filled with a number of parties, nearly all being in full evening dress, the whole ensemble presentfrom Newcastle, Australia, to this port. ing a beautiful sight under the multicolored electric lights. The Hotel street entrances and the grounds were maining intent upon hearing the music till the last strains of "The Star Spangled Banner" had died away.

Manager Allen presented bouquets and leis to every soloist on the grounds and after the concert *mated Captain Berger and all his musicians to a buffet luncheon.

On Sunday afternoon the band will it having been decided to hold no more

ALL QUIET IN JAPAN. SAYS A CALIFORNIAN.

The Country in Perfect Composure, Ready to March on Peking at Any Time.

J. C. Bentz of Pasadena, Cal., has been staying at the Hawaiian hotel for a few days, having come from Japan on the China, en route home. Mr. Bentz is in the Japanese art ware business and makes several trips a year to the East. "I have not been to China." he said to a Republican reporter, "and in Japan we have little more news declared that it was rotten; another about affairs in China than you have that, as poor as it was, it was served in here in Honolulu. I have been over there for three months and Japan is in no wise disturbed. I think if the powers would let Japan alone the ministers would not now be in jeopardy at Peking. Everybody over there was satisfied that the ministers were alive when we sailed. I am glad to see Hawall so prosperous and peaceful, with every evidence of a great and assured future. I shall be glad to get home again, still I take kindly to tropical countries."

Mr. Bentz made a number of investments in his specialty while in Hono-

A BASEBALL CHANGE THAT WILL BE PASSED.

SACRAMENTO'S GILT EDGES CAN FIND NO OPPONENTS IN HONOLULU.

California's Aggregation of Base-Ball Players Want to Arrange a Series of Local Baseball

Games.

The Sacramento Gilt Edges, the crack local baseball aggregation, wants to come to Honolulu. A letter was received by the last steamer from Manager A. H. Beebe of the Gilt Edges, inquiring in regard to local baseball teams. The following is the letter:

Sacramento, Cal., Aug. 7, 1960. Editor Honolulu Republican, Honolu

Dear Sir: Will you kindly inform me if it would be possible to arrange for a series of baseball games to be played in Honolulu and vicinity after January 1st, 1901? If you have a league on the Islands will you kindly proper parties with that object in I am the manager of the Gilt Edges

of the California State league and we bid fair to win the pennant, as we have the three seasons past, as we have a very strong team. Trusting that I may bear from you sale will include at your earliest convenience and thank-fruit.

Tam.

fully.

A. H. BEEBE.

Manager Gilt Edge Baseball Club.

W. C. Wilder, Jr., when interviewed in regard to the matter yesterday.

said:

"I would like nothing center than to industries.

Tamarinus are preserved like other ralized: John de Greaves, England; Thomas Mearnes, Ireland; W. C. J. Ottman, Germany.

Account of the bark Empire libel suit will be found elsewhere in The Republican.

place that I know of in town is the It has been determined that hereafter Makiki cricket grounds. But even there there is no fence, and everyone would turn out a miserable failure. It would give the sport a good impetus, and unless something can be done baseball in the Islands will die a natural death. No, no matter how great the economy, the Gilt Edges could not

make both ends meet." "I don't think the Gilt Edges would make their expenses," said Harry Whitney, the cashier of W. G. Irwin & Co., yesterday when interviewed on the matter. "When the last aggregation came down here it cost them somewhere in the neighborhood of \$1,700. The team made about \$2,100 or \$2,200, clearing close on to \$500 But that was in the days of the old Makiki baseball grounds, and now we have no place where we can charge

Donald Ross, a member of the old Star team, signified hts willingness to play if such a movement took definite form. For the present it looks as though there was no possible chance Largest Crowd in Many Months to have a team come from the States to revive baseball here.

Arguments Ended.

The argument which has been going on for some time before the road commissioners came to an end yesterday morning. The question in consideration was whether or not government lands are assessable for betterments. Arthur A. Wilder appeared for the government against a host of older lawyers. The decision will be handed in by the end of the week.

Can't Face on Fort Street.

There was a special meeting of the council of state yesterday morning to consider the proposed saloon on the corner of Hotel and Fort streets. It was decided that the entrance to the saloon should be not less than sixty feet from Fort street, and that the liquor business should be confined to the west end of the building.

No More Concerts at Makes.

Secretary Henry E. Cooper, when interviewed by a Republican reporter concerning the report in one of the evening papers about the runday band concerts being held at the Capitol, fully substantiated the statement. From the general popularity of the Sunday concert Mr. Cooper has decided that nt arrangement reaches ple that would otherwise not be reached. The band will hereafter play at the Capitol every Sunday afternoon.

KOEBELE GOING TO HAWAII. Will Investigate Several Bug Pests

That Threaten the Islands. Professor Koebele, the government entomologist, will start for Hawaii on ness to drive on. He whipped up his the Mauna Loa today. When inter-viewed by a Republican reporter yes-to go was given at 9:30 in the morning. terday, the professor said:

"I will get off at Kailua, where I will look into several pests that have lately been increasing very rapidly. There are two species of borers that are now attacking the koa trees and I will see

what can be done about them. "From there I will go up into the mountains on the Lowe ranch and investigate conditions there. Owing to the late dry weather the pets and insects have been increasing with alarming rapidity, and I will see if some check cannot be put on the increase."

JAPANESE INDECENCIES ON MERCHANT STREET.

The Nakedness of Males and Females Has Shocked a Respectable Neighborhood.

the indecencies of a colony of Japanese residing on Merchant street, between a loud, resounding thwack on the skull Alakea and Fort streets, adjacent to of the jehu. Then he belabored the the recently completed Magoon build- poor Chinaman until the Mongolian ing. "The nakedness of these people is something awful," said a resident of that neighborhood yesterday. "It is had enough the way the people of this race go here at best. with their kimonas, too often beltless, but must we endure their nakedness here in the very heart of the city? I hope not; it is disgusting to men and it cannot help but be demoralizing to women and children.

An inspection of the place revealed the justness of the complaint. The "joint" is a very public place and the inmates thereof have no manner of regard for the decencies of life, as Europeans and Americans regard them.

Only a few doors away are the buildings recently condemned by the board of health as unfit for habitation. The occupants of these latter buildings were equally obnoxious to their neighbors. It is quite true that they are unclean in their homes and surroundings, but the complaints just now received are against their personal conduct rather than the buildings they

attention to this matter to cause the police to act in the premises.

It is probably necessary only to call

CULTIVATION OF TAMABIND. One of Subjects for Experimental Station to Investigate.

One of the first matters the new experimental station will have to look into after it is established will be the location for the tamarind tree. roper location for the tamarind does not do well Nunanu valley or anywhere that the with the city front level. There is a good deal of the tamarind fruit preserved here, and it is in good favor wherever introduced in temperate cli-mates. Nothing is more refreshing for a warm weather drink than the liquor obtained by pouring hot water over the | special referen

rinds are preserved like other | The following candidates were natu-

SHOCKING HIGHWAY ROBBERY ON THE HILL.

How Long Sing Was Relieved of Seventeen Dollars.

KANE'S SEARCH FOR RIPE GUAVAS.

THE BEATING OF AN INNOCENT CHINAMAN INTO INSENSI-BILITY WITH A STONE.

Remarkable Story of Crime and Avarice Told on the Witness Stand in Judge Silliman's

Tong Sing hobbled to the stand on crutches. Chinaman though he was, he was queueless. How he lost his queue is a part of this interesting crim-

Court Yesterday.

inal story. It was in Judge Silliman's court yesterday afternoon. Tong Sing, after being sworn, told how Kane, a native. beat him into a state of unconsciousness and then robbed him of a purse containing seventeen big silver dollars of American and Hawalian coinage. Probably a more atrocious case of roobery in the first degree was never told

in a Hawaiian court. Tong Sing began by saying that he had been a resident of Honolulu for ten years. He was formerly a cook, but the supply of the friers of tenderloin steak exceeding the demand, he became a hackman. His badge number was 107. He had been in the hack business since October, 1899. His stand was on King

street, near the depot. On the 1st of July of the present year, as the witness was sitting in his hack idling away time and longing expectantly for a customer and the gliat of his coin, the defendant approached him, or rather his vehicle. Kane got into the hack on a rear seat and commenced a conversation in the Hawaiian language. He asked the witness if he were married to a Hawatian; if so, how many children he had and if the baby cried nights. These questions the witness answered circumspectly. All this time the witness noticed that the defendant was far away in his thoughts and was cogitating mightily. He also noticed that there was a circular lump in the right pocket of the defendant's black trousers. He thought nothing about this proturbance at the time and did not conceive that it was to deprive him of thought later on. But we are

anticipating. Finally the defendant told the witto go was given at 9:30 in the morning. The witness never saw the defendant

before. The defendant told him to drive out the asylum road. He did so, When he reached the asylum road the defendant commanded him to go up Punchbowl hill, as he knew where there were some fine guavas. He wanted to gather them. His sisters, cousins and aunts, in fact, the whole family were fond of guava jelly. As a household

commodity it ranked with poi. They went up Punchbowl hill about a mile, or till they reached the big trees. During this time they retained their relative positions in the backwitness on front seat, defendant on

rear seat. When in proximity to the big trees an awful assault was committed on the wearer of badge No. 107. Kane drew from his pocket a stone, unbeknown at the time to the witness. Without a word of warning to the unsuspecting Chinaman, who was reining his horse There is urgent complaint against up the hill, Kane lifted the murderous weapon aloft and brought it down with

was insensible. When the Chinaman returned to semi-consciousness he found himself tied to a tree by his queue. His face was horribly cut and disfigured, his right leg broken, his money gone and his hack missing. Kane, after beating him, dragged him to the tree, which was twenty to thirty feet away from the infrequented road, and fastened him to it by the queue, robbing him of his purse in the meantime.

help. After many long minutes of painful and excruciating suspense assistance came. The back was found at Maikiki and

The Chinaman, in order to liberate

himself, cut the queue and shouted for

the Chinaman was taken to the hospital. The case was tried by the following jurors: W. C. Wilder, Jr., Sam W. Spencer, H. W. Green, Geo. W. Haysel-

den, W. M. Graham, M. K. Keohok tlole, E. Oscar White, Chas. N. Ros. F. H. Armstrong, Thos. E. Krouse, Jacob Lando and H. F. Wichman. After being out a short time they

found Kane guilty of robbery in the first degree. He will be sentenced this morning. Kane was ably defended by George D. Gear. Deputy Attorney General

Catheart conducted the prosecution. THE SPRECKELS LIBEL.

Testimony in Case Will Be Taken Before a Special Referee.

In the United States district court yesterday morning in the admiralty case of John D. Spreckels & Brothers and the court ordered that the testimony be taken before W. G. Robinson, United States commissioner, acting as

OD ELECTRICATED NO.